



## BOARD OF ADJUSTMENT AGENDA

Regular Scheduled Meeting

Thursday, February 11, 2016

7:00 PM

### I. Opening of the meeting

### II. Invocation

### III. Roll call

### IV. Old Business

1. None

### V. New Business

1. A request has been made by Mr. Richard Alligood for a **Variance** from Section 40-147 of the City of Washington Zoning Ordinance from the setback and locational requirements in order to locate a detached storage building in the front side yard of the property located at 113 Pine Lane. The property is zoned R15S and the detached storage buildings are required to be located in the rear yard of the property
2. A request has been made by Mr. Michael Doran, acting as agent for US Cellular, for a **Variance** from Section 40-357 of the City of Washington Zoning Ordinance from the dimensional requirements (height) in order to construct a 38 foot addition to the existing monopole cellular tower located at 1436 Highland Drive. The property is currently zoned O&I (Office and Institutional) and requires a Variance in order to construct a tower over 100 feet.

### VI. Other Business

1. Donald Stroud – Petition on Appeal

### VII. Approval of minutes – October 22, 2015

# **Variance Request**

Richard Alligood

113 Pine Lane

# Variance Request

113 Pine Lane



A request has been made by Mr. Richard Alligood for a **Variance** from Section 40-147 of the City of Washington Zoning Ordinance from the setback and locational requirements in order to locate a detached storage building in the front side yard of the property located at 113 Pine Lane. The property is zoned R15S and the detached storage buildings are required to be located in the rear yard of the property.



102 East Second Street  
Washington, NC 27889  
252-975-9383

January 20, 2016

**Subject: Variance Request**

Dear Adjoining Property Owner:

The Department of Planning and Development has received a request from Mr. Richard Alligood for a **Variance** from Section 40-147 of the City of Washington Zoning Ordinance from the setback and locational requirements in order to locate a detached storage building in the front side yard of the property located at 113 Pine Lane. The property is zoned R15S and the detached storage buildings are required to be located in the rear yard of the property.

The Board of Adjustment will hold its public hearing on the Variance request at the following date and time:

**Date:** Thursday, February 11, 2016

**Place:** City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

**Time:** 7:00 P.M.

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

Glen Moore  
Planning Administrator

City of Washington  
Department of Planning and Development  
Application for a Variance

Page 1: Applicant Information & Statement, Relevant Factors

Date: 1-18-16	Fee: \$150.00
Applicant: Richard Charles Alligood	
Address: 113 Pine Ln Washington NC 27889	
Phone No.: 252-402-2434	
Location of property for which variance is requested: 113 Pine Ln Washington NC 27889	
(Address of Property)	
Parcel Tax Card No.: 5667-72-6700	Zone: R155

TO THE BOARD OF ADJUSTMENT:

I, Richard Alligood  
(Name of Applicant)

hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the City of Washington Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance:

so that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance:

- a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.
- b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and
- c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 2: Applicant Responses to Relevant Factors, Pt. 1

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

**a. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.**

The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist.  
State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.  
Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.

Statement by Applicant: The garage being built is not going to be a business or turned into a business. It is a garage built for personal use to store vehicles and other personal properties such as lawn mowers, four wheeler, tools etc. safely and out of sight.

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e. a ditch which runs through the property.

Statement by Applicant: The side yard is the only available area on the lot left to put a garage.

(3) The hardship is not the result of the applicant's own actions.

Statement by Applicant: The septic system existed in the backyard at the time of purchase. I was unaware where the septic system was and the fact that the system was in need of replacement.

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 3: Applicant Responses to Relevant Factors, Pt. 2

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

**b. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT.**

State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land, and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

Statement by Applicant: Putting the garage on the side of the lot is the only practical and aesthetically pleasing location left on the property. A paved driveway separates the front and side yard and will be connected to the garage. The structure will be professionally constructed to code. It is being built for personal use, not business.

**c. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.**


State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.

Statement by Applicant: If the variance is denied, I will have to relocate to a property with a garage or where a garage can be built to store personal property safely. This will prove to be a costly venture which will cause me great financial hardship.

**NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS OR PLANNING BOARD MEMBERS PRIOR TO THE PUBLIC HEARING.**

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this 19<sup>th</sup> day of January, 2016.

  
(Signature of Applicant)

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 4: Property Owners Within 100 Feet

List the adjoining property owners within 100 feet of the property in question.  
(Note: Where the property is bound by a street, alley, stream, or similar boundary, the land owner across such a boundary shall also be considered an adjoining land owner.)

TO FIND LISTINGS OF ADJOINING PROPERTY OWNERS, FOLLOW THESE STEPS:

1. Locate the subject property on the map in the City Planning Office and write down the entire parcel number. Be sure to write down the map number, section number, and individual parcel number, in that order (example: 5675-06-3291).
2. Go to the Beaufort County Land Records Office at 220 N. Market Street, show the attendant the parcel number, and ask the attendant to run off a map of the property that shows the adjacent property for at least 100 feet on all sides. The attendant can look up the owners names, parcel numbers, and addresses for the lots within 100 feet of the subject property, or show you how to find the information on the land records computer.  
Note: In the Beaufort County records, the parcel number is called the "alternate parcel number".
3. Write down the name(s) of the owners of each of the adjacent lots within 100 feet, the parcel number of the lot, and the owner's entire address below. If no address is listed, make a note to that effect.

BE NOTE: ACCURACY IS VERY IMPORTANT BECAUSE IF SOMEONE WITHIN 100 FEET OF THE PROPERTY IN QUESTION FAILS TO GET NOTIFIED, THE REQUEST MAY BE DENIED EVEN IF THE BOARD VOTES IN YOUR FAVOR.

NAME	PARCEL NUMBER	ADDRESS
1. See Attached		
2. Kathleen Pearce	5667-72-6691	111 Pine Ln
3. Jeffrey Elks	5667-72-4851	201 Pine Ln
4. Howard Hages	5667-72-4516	114 Pine Ln
5. (Bank owned)	5667-72-4454	112 Pine Ln
6. Harold Pierce	5667-72-5987	202 Wharton St
7.		
8.		
9.		
10.		

(USE ADDITIONAL SHEET(S) IF NECESSARY)



**City of Washington**  
**Department of Planning and Development**  
**Application for a Variance**  
Page 5: Owner Authorization for Non-Owner Application

**NOTE: IF THE PERSON WHO IS REQUESTING THE BOARD OF ADJUSTMENT TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS NOT THE OWNER OF THE PROPERTY OR DOES NOT HAVE A BINDING OPTION TO PURCHASE THE PROPERTY, THEN THE ACTUAL OWNER OF THE LAND MUST COMPLETE THIS FORM.**

Dear Sir or Madam,

I am the owner of the property located at:

I hereby authorize:

to appear with my consent before the City of Washington Board of Adjustment in order to ask for a variance from:

I understand that the variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If there are any questions, you may contact me at my address:

or by telephone at:

Respectfully yours,

\_\_\_\_\_  
(Owner)

Sworn to and ascribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires: \_\_\_\_\_

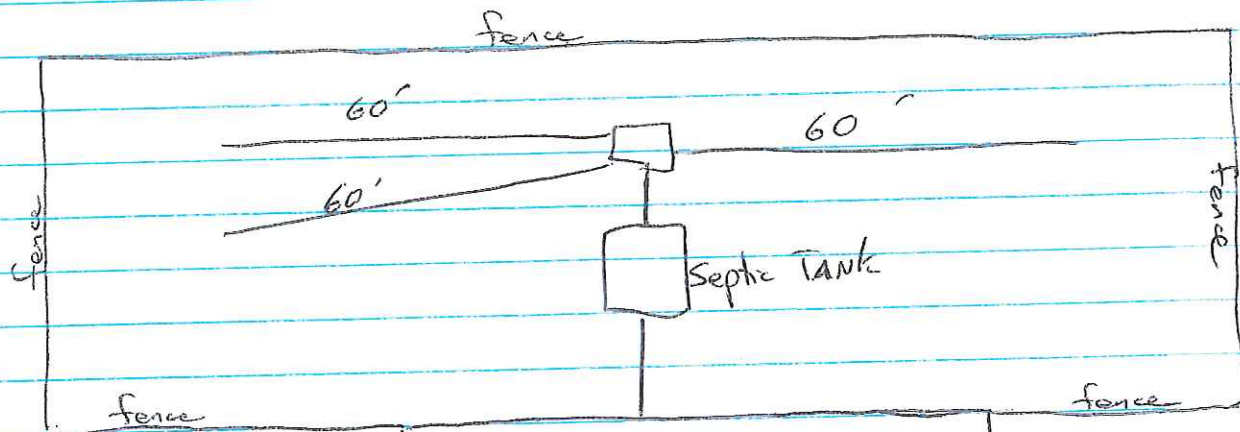
The community of Rosedale consents to the construction of a personal use garage measuring 24' X 49' on the residential property of 113 Pine Lane- Washington, North Carolina. The individuals in agreement are listed below:

1. NAME (print)- Jeffrey EHS  
NAME (signature)- [Signature]  
PHONE- 252-945-3406  
ADDRESS- 201 Pine Lane  
DATE- 1/18/16
2. NAME (print)- Emily Smith  
NAME (signature)- Emily Smith  
PHONE- 944-7320  
ADDRESS- 402 Wharton St.  
DATE- 1/18/16
3. NAME (print)- Caroline Freeman  
NAME (signature)- Caroline Freeman  
PHONE- (252) 940-8877  
ADDRESS- 113 Beech Lane  
DATE- 1/18/16
4. NAME (print)- Deborah Waters  
NAME (signature)- Deborah Waters  
PHONE- (252) 462-9585  
ADDRESS- 111 Beech Lane Washington  
DATE- 1/18/16
5. NAME (print)- Andrew P. P. P.  
NAME (signature)- [Signature]  
PHONE- (252) 565-2107  
ADDRESS- 202 WARTON ST., WASHINGTON, NC  
DATE- 1-18-16
6. NAME (print)- Alice Hodges  
NAME (signature)- Alice Hodges  
PHONE- 946-6830  
ADDRESS- 114 Pine Lane  
DATE- 1-18-16
7. NAME (print)- Howard Hodges  
NAME (signature)- Howard Hodges  
PHONE- 946-6836  
ADDRESS- 114 Pine Lane  
DATE- 1-18-16
8. NAME (print)- Kenneth Graham  
NAME (signature)- Kenneth Graham  
PHONE- 252-602-5474  
ADDRESS- 115 Beech Lane  
DATE- 1-18-2016

9. NAME (print)- Cornelia Graham  
NAME (signature)- Cornelia Graham  
PHONE- (252) 944-7684  
ADDRESS- 115 Beech Ln  
DATE- 1-18-16
10. NAME (print)- Michael Hyatt  
NAME (signature)- Michael Hyatt  
PHONE- (252) 402-8922  
ADDRESS- 114 Cedar Ln  
DATE- 1-18-16
11. NAME (print)- Chynna Cobb  
NAME (signature)- Chynna Cobb  
PHONE- 252-375-9088  
ADDRESS- 204 Cedar Lane  
DATE- 1-18-16
12. NAME (print)- Kathleen Pearce  
NAME (signature)- Kathleen Pearce  
PHONE- 410-805-8722  
ADDRESS- 111 Pine Lane  
DATE- 1/18/16
13. NAME (print)-  
NAME (signature)-  
PHONE-  
ADDRESS-  
DATE-
14. NAME (print)-  
NAME (signature)-  
PHONE-  
ADDRESS-  
DATE-
15. NAME (print)-  
NAME (signature)-  
PHONE-  
ADDRESS-  
DATE-

# PROPOSED GARAGE LAYOUT

WHARTON STREET



HOUSE

GARAGE

Connected concrete

DRIVE WAY

PINE LANE



**C.H. Elks & Son**  
**Septic Tank Co.**  
418 Elks Road  
Chocowinity, N.C. 27817  
252-946-6804

**Contractors Invoice**

WORK PERFORMED AT:

TO:

113 Pine Ln  
Washington, NC

DATE

1-13-16

YOUR WORK ORDER NO.

OUR BID NO.

**DESCRIPTION OF WORK PERFORMED**

To whom it may concern this is to let you know that Mr. Alligoods septic system is located in his back yard and does not leave enough space for anything to be built and have the proper setbacks. Also on Jan. 13, 2016 additional drain lines were added to his septic system.

Hank ELKS

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of \_\_\_\_\_

Dollars (\$ \_\_\_\_\_).

This is a ☐ Partial ☐ Full invoice due and payable by: \_\_\_\_\_

Month

Day

Year

in accordance with our ☐ Agreement ☐ Proposal

No. \_\_\_\_\_ Dated \_\_\_\_\_

Month

Day

Year





JAMES SUTTON, P.E.  
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F (919) 324-3681  
JSUTTONPE@GMAIL.COM

Client:

Superior Metal Structures & Concrete  
326 Catherine Square Rd  
Beulaville, NC 28518  
(p) 252-286-4512

Project:

24'x49'x10'  
Richard Aligood  
113 Pine Ln  
Washington, NC 27889

Job No:

1501-1109

Date:

11/24/15

Sheet:

S5

NOTES

DESIGN CRITERIA

1. BUILDING CODE.....2012 NORTH CAROLINA BUILDING CODE
2. IMPORTANCE FACTORS WIND (Iw) 0.87  
SNOW (Is) 0.80  
SEISMIC (Iw) 1.0
3. GROUND SNOW LOAD.....10 PSF
4. ROOF LL.....5 PSF (NO FOOT TRAFFIC)
5. WIND  
A) BASIC WIND SPEED (ASCE 7-05) .....110 MPH  
B) WIND HAZARD EXPOSURE CATEGORY.....B  
C) WIND BASE SHEARS (for MWFRS)  $V_x = 2.4$  k  $V_y = 2.4$  k (PER FRAME)
6. SEISMIC  
A) SEISMIC DESIGN CATEGORY A  
COMPLIANCE WITH SECTION 1616.4 ONLY? ☐ YES ☒ NO  
B) SEISMIC DESIGN CATEGORY ☐ B ☒ C ☐ D  
SEISMIC USE GROUP 1  
SPECTRAL RESPONSE ACCELERATION  $S_s$  14.8 %g  $S_1$  6.1 %g  
SITE CLASSIFICATION D ☐ FIELD TEST ☒ PRESUMPTIVE ☐ HISTORICAL DATA  
BASIC STRUCTURAL SYSTEM (CHECK ONE)  
☐ BEARING WALL ☐ DUAL W/SPECIAL MOMENT FRAME  
☐ BUILDING FRAME ☐ DUAL W/INTERMEDIATE R/C OR SPECIAL STEEL  
☒ MOMENT FRAME ☐ INVERTED PENDULUM  
SEISMIC BASE SHEAR  $V_x = 0.5$  k  $V_y = 0.5$  k (PER FRAME)  
ANALYSIS PROCEDURE ☒ SIMPLIFIED ☐ EQUIVALENT LATERAL FORCE ☐ MODAL  
ARCHITECTURAL, MECHANICAL, COMPONENTS ANCHORED? ☒ NO  
LATERAL DESIGN CONTROL: EARTHQUAKE ☐ WIND ☒

OTHER NOTES

1. PRESUMPTIVE SOIL PRESSURE = 2,000 PSF.
2. WHERE A DETAIL IS SHOWN ON STRUCTURAL DRAWINGS FOR ONE CONDITION, IT SHALL APPLY TO ALL SIMILAR OR LIKE CONDITIONS, UNLESS NOTED OR SHOWN OTHERWISE.
3. IF CONTRACTOR FINDS A DIFFERENCE BETWEEN THESE DRAWINGS AND EXISTING ELEVATIONS, OR OTHER CONDITIONS WHICH PROHIBIT EXECUTION OF THE WORK AS DIRECTED ON THESE DRAWINGS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
4. ALL ITEMS SHALL BE TIGHTLY ANCHORED OR ATTACHED SQUARE, PLUMB AND TRUE, OR IN OTHER PLANES OR SHAPES AS SHOWN ON THE DRAWINGS. JOINTS SHALL BE TIGHT, EVEN, AND FREE OF OFFSETS. NO FIELD ALTERING OF ANY MEMBERS WILL BE ALLOWED THAT WILL CAUSE THEM NOT TO BE IN ACCORDANCE WITH THE DRAWINGS AND THEM NOT TO BE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS, WITHOUT WRITTEN APPROVAL OF THE DESIGN ENGINEER.
5. GENERAL CONTRACTOR IS RESPONSIBLE TO PROVIDE ADEQUATE SHORING, BRACING OR SUPPORT TO PREVENT MOVEMENT, SETTLEMENT, OR DAMAGE TO THE STRUCTURE DURING CONSTRUCTION PROCEDURES ASSOCIATED WITH THIS PROJECT.
6. CONCRETE: CONCRETE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS SHALL BE 3000 PSI.
7. CONCRETE WORK SHALL COMPLY WITH ACI "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDING (ACI 301) AND APPLICABLE PROVISIONS OF ACI 318. KEEP A COPY OF ACI FIELD REFERENCE MANUAL (ACI-SP-15) WHICH INCLUDES ACI 301 AND OTHER ACI AND ASTM REFERENCES ON THE JOB.
8. FIBER MESH MAY BE SUBSTITUTED FOR WWM PER MANUFACTURER'S RECOMMENDATIONS.
9. ALL FOOTING FOUNDATIONS SHALL BE PLACED ON COMPETENT SOIL.
10. REINFORCING STEEL: ASTM A615, GRADE 60. PROVIDE 3" CLEARANCE TO EARTH SURFACES. LAP BARS 30 DIAMETERS.
11. ALL GALVANIZING SHALL BE PERFORMED AFTER FABRICATION, AND IN ACCORDANCE WITH ASTM A123 AND/OR A153.
12. THE MINIMUM YIELD STRENGTH OF THE STEEL USED IN THE LIGHT GAUGE METAL FRAMES SHALL BE 55,000 PSI, FOR RAW OR GALVANIZED TUBES.
13. THE MINIMUM YIELD STRENGTH OF THE STEEL USED FOR THE LIGHT GAUGE METAL DECK SHALL BE 80,000 PSI, DECKING PANELS SHALL COVER THREE SPANS, MINIMUM.
14. THE LIGHT GAUGE METAL FRAMES AND DECK SHALL BE OF THE GAUGE INDICATED ON THE PLAN/DETAILS.
15. ALL SCREWS FOR ASSEMBLING FRAMES SHALL BE #12 SIZE.
16. ALL WELDING SHALL BE IN ACCORDANCE WITH AWS D1.1.
17. ALL WELDS SHALL BE COATED WITH GALVANIZE PRIMER & PAINT AFTER WELDING.



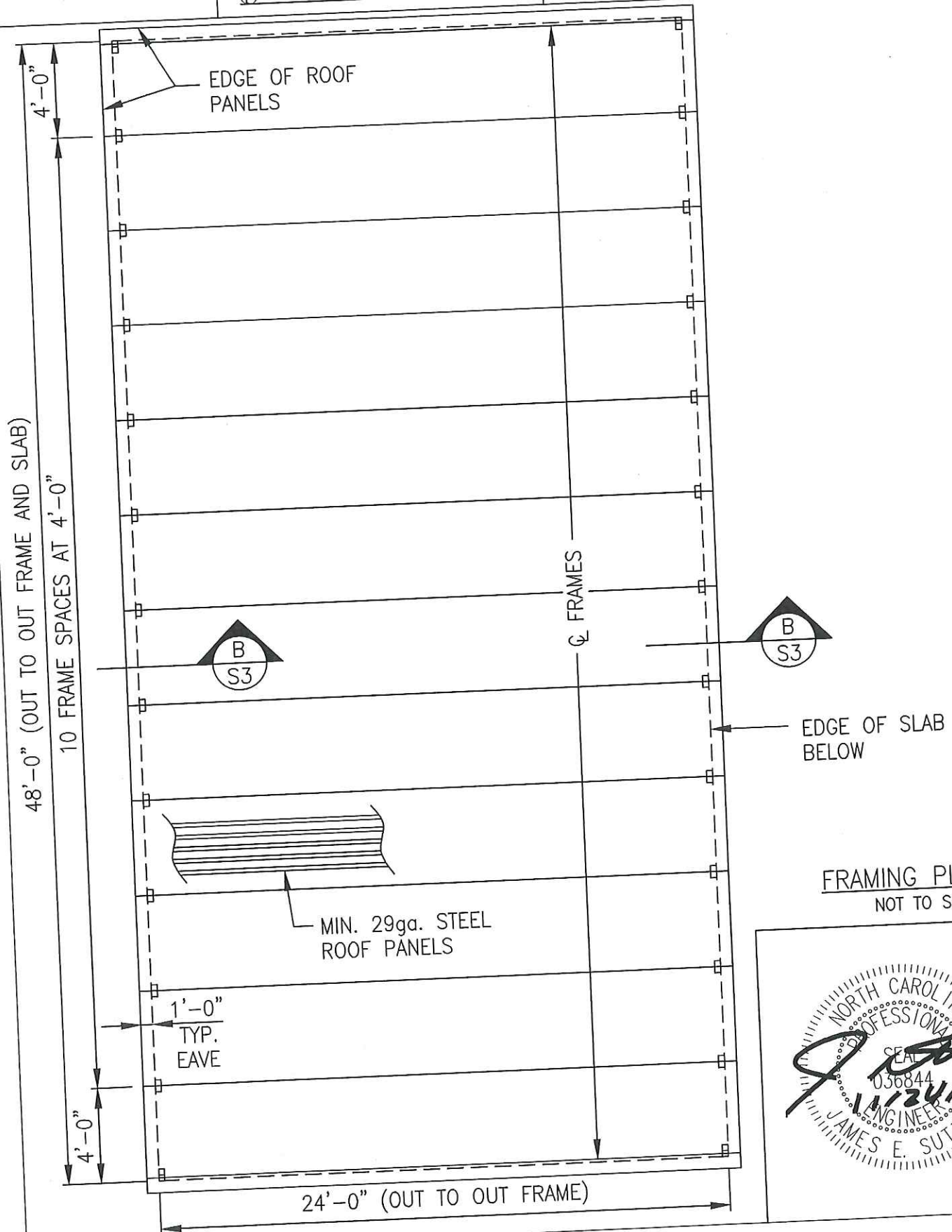


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24'x49'x10'  
Richard Aligood  
113 Pine Ln  
Washington, NC 27889

Job No:  
1501-1109  
Date:  
11/24/15  
Sheet:  
S2



FRAMING PLAN  
NOT TO SCALE





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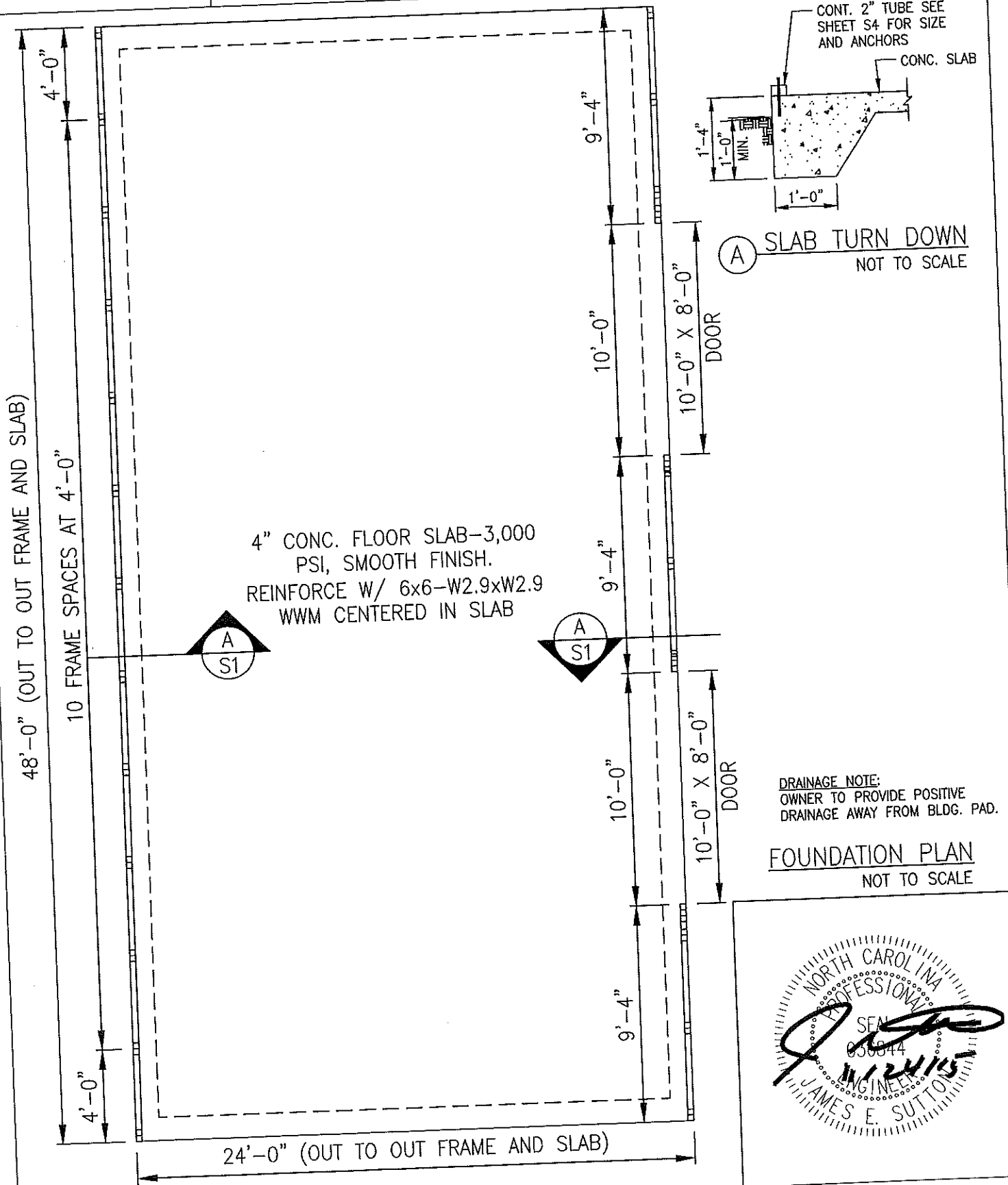
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S1





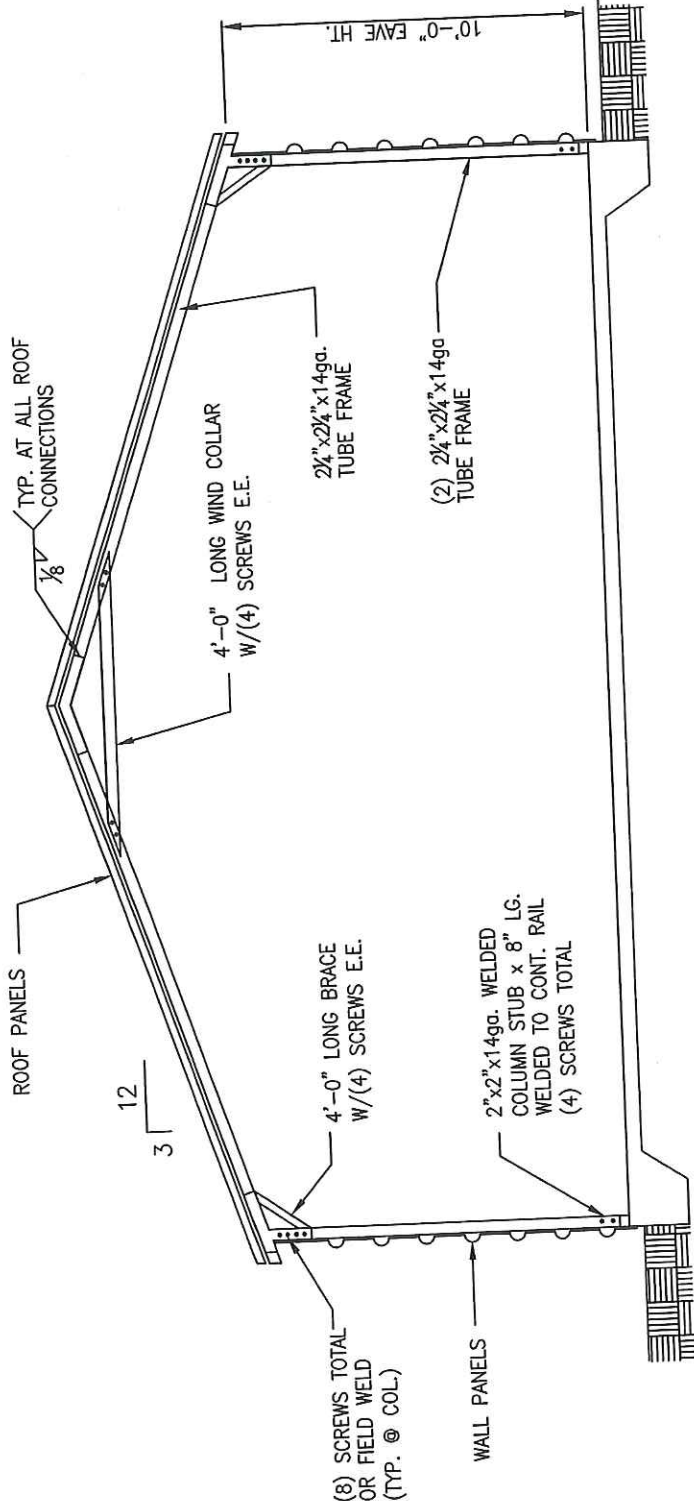


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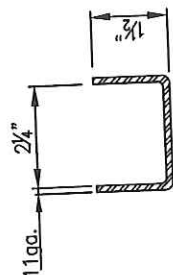
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S3



TYPICAL CROSS SECTION B-B  
NOT TO SCALE



TYP. WIND COLLAR/BRACE  
NOT TO SCALE

CABLE END WALL FRAMING  
CABLE END WALLS SHALL BE FRAMED USING  
2-1/4" 14ga SQUARE TUBES TO THE BOTTOM  
RAIL AND RAFTERS W/ L-CLIPS AND (2)  
SCREWS IN EACH LEG OF THE CLIP. ANY STUDS  
OVER 13'-0" IN LENGTH SHALL BE (2) 2-1/4"  
14ga AND ATTACHED W/ (2) L-CLIPS AND (2)  
SCREWS IN EACH LEG OF THE CLIP.



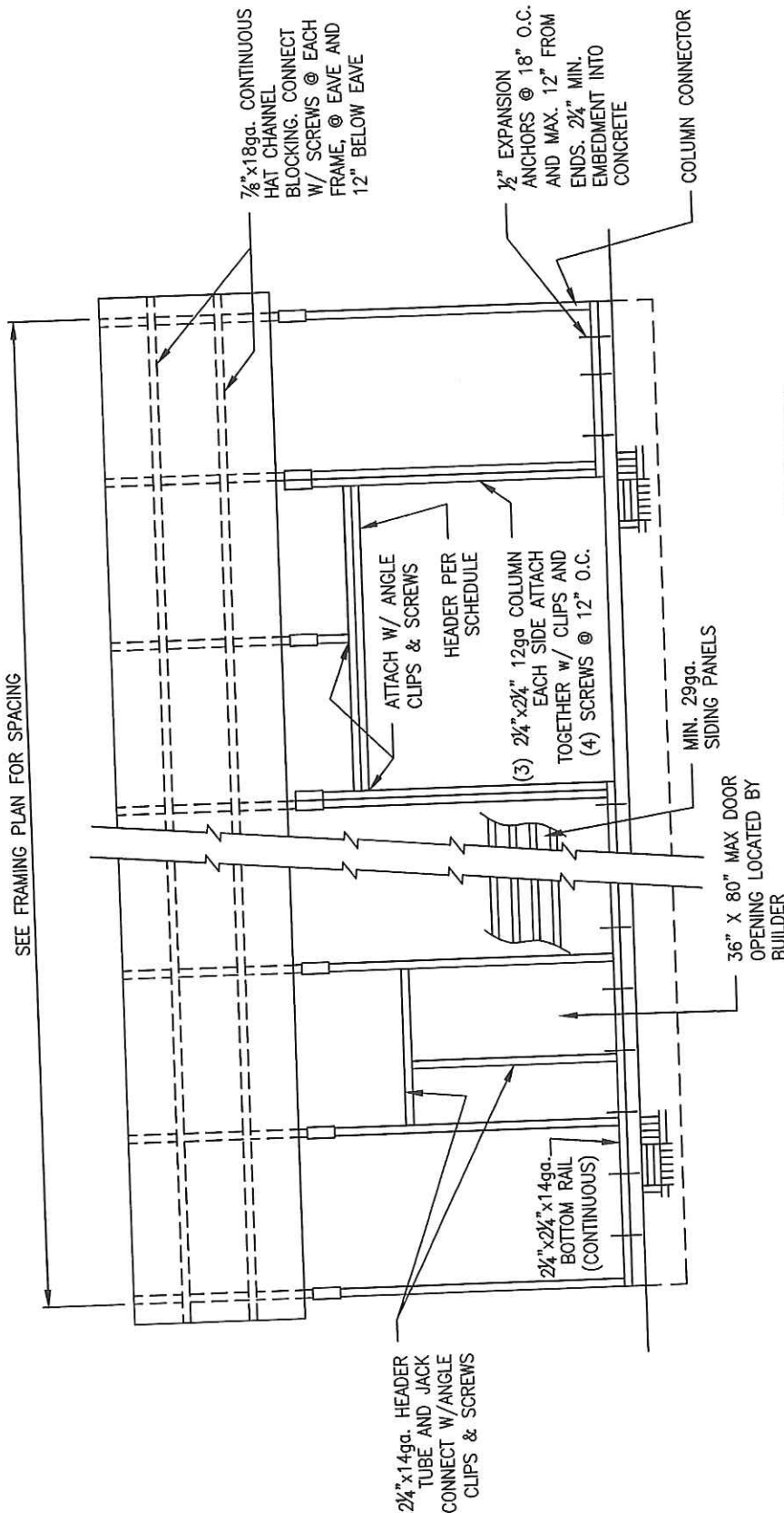


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DOOR HEADER SCHEDULE  
10'-0" X 8'-0": (2) 2 1/4" x 2 1/4" x 12ga

SIDE ELEVATION  
NOT TO SCALE

DOOR OPENING NOTE:  
FOR DOORS PLACED IN GABLE END WALLS  
ONLY. EXACT LOCATION TO BE DETERMINED BY  
BUILDER. MINIMUM HEADER SIZE (2) 2-1/4"  
14ga SQUARE TUBES ATTACHED TOGETHER W/  
CLIPS AND SCREWS @ 1'-0" O.C. MINIMUM (1)  
2-1/4" KING STUD EACH SIDE. ATTACH USING  
ANGLE CLIPS AND SCREWS



# **Variance Request**

Michael Doran, US Cellular  
1436 Highland Drive



# Variance Request

1436 Highland Drive



A request has been made by Mr. Michael Doran, acting as agent for US Cellular, for a **Variance** from Section 40-357 of the City of Washington Zoning Ordinance from the dimensional requirements (height) in order to construct a 38 foot addition to the existing monopole cellular tower located at 1436 Highland Drive. The property is currently zoned O&I (Office and Institutional) and requires a Variance in order to construct a tower over 100 feet.



102 East Second Street  
Washington, NC 27889  
252-975-9383

January 20, 2016

**Subject: Variance Request**

Dear Adjoining Property Owner:

The Department of Planning and Development has received a request from Mr. Michael Doran, acting as agent for US Cellular, for a **Variance** from Section 40-357 of the City of Washington Zoning Ordinance from the dimensional requirements (height) in order to construct a 38 foot addition to the existing monopole cellular tower located at 1436 Highland Drive. The property is currently zoned O&I (Office and Institutional) and requires a Variance in order to construct a tower over 100 feet.

The Board of Adjustment will hold its public hearing on the Variance request at the following date and time:

**Date: Thursday, February 11, 2016**

**Place: City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.**

**Time: 7:00 P.M.**

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

Glen Moore  
Planning Administrator

## STATEMENT IN SUPPORT OF APPLICATION

USCOC of Greater North Carolina, LLC, ("Applicant") is a federally-licensed wireless provider of wireless communication services that respectfully request the County of Pitt to grant their CUP petition for the approval(s) needed for the installation of a wireless communications facility (the "Proposed Facility") on a property commonly known as 1436 Highland Drive Washington, North Carolina (the "Site"), as further described in the submitted application and its attachments. This request is made under Ordinance section ARTICLE XIV-TELECOMMUNICATION TOWERS AND ANTENNAS

### PROJECT DESCRIPTION & FINDINGS

The Applicant proposes to remove the existing 100' monopole and construct a 130' monopole and wireless communications facility located at 1436 Highland Drive Washington, North Carolina on a parcel commonly known as 1436 Highland Drive Washington, North Carolina Pin 5686-52-6917 (the "Site"). The Facility is described in detail below and is further described in the attached plans and survey. The subject parcel is zoned \_\_ Industrial

The new proposed facility would consist of a 130' monopole and once that is constructed applicant will remove existing 100' monopole with 90 days this will still remain with in a 50' x 50' fenced in area. There will also be a masonry building approximately 11'.3" x 19'-4" x 10'

The Proposed NEW monopole made of steel and have a light gray color it also will be designed to support additional wireless user thereby decreasing the need for future towers in the area.

The Applicant has been sensitive in the selection and design of the Proposed Facility By locating the Proposed Facility on this Property the Applicant believes this site location is primarily out of view to the back of the County property surrounded by 100' trees which could provide less of a view shed issue. I would like to add that with the potential for new development in the surrounding area along with the existing Hospital and school in the area would be in harmony with the surrounding area and the land uses near the subject property. The granting of the zoning relief being sought will not affect the normal and orderly development of the surrounding area. To the contrary, reliable utility networks such as electric, gas, water, and wireless networks are essential to the development and well-being of every community.

The design and construction of the Proposed Facility does not create any substantial adverse effect, including value and injury (public safety) to the surrounding properties. The Proposed Facility will comply with all applicable structural engineering requirements and, if approved, will be inspected by the City of Washington on a yearly basis under section 40-362 Maintenance .The Facilities will be unstaffed and typically

require one or two routine visits a month by a service technician. Hence, the Facility will not have a material impact on parking or traffic.

The NEW Facility will be designed and constructed to meet all applicable governmental and industry safety guidelines. The Applicant will comply with FCC and FAA rules concerning construction requirements, safety standards, interference protection, power and height limitations, and radio frequency standards. The Facility will NOT interfere with any other radio devices such as TV's, radios or other cellular phones. Furthermore the Facility will not interfere with any household products such as microwave ovens. The Applicant is licensed and regulated by the federal Communications Commission ("FCC"), which imposes strict health, safety, and interference standards. The proposed Facility will comply with all rules and guidelines that regulation such installations including FCC guidelines with regards to human exposure to RF emissions. The FCC is the governing body that has jurisdiction over this area (RF emissions). It is therefore the belief of the Applicant that the Proposed Facility will be operated so that the public health, safety and welfare will be protected.

The Proposed Facility is designed to fill a coverage gap in the Applicant's network. These networks operate on a "grid" system, whereby overlapping "cells" (geographic wireless coverage areas) mesh to form a continuous wireless network. In order to provide wireless coverage within the geographic confines of each cell, a wireless facility ("cell site") must be located somewhere near the center of that cell. If the wireless facility is not located within or near the center or the height of the antennas is inadequate, then coverage gaps exist. Coverage gaps result in a weak wireless signal which to the end user equates to a dropped call or inability to make or receive a call.

Over half of all "911" calls are placed on wireless networks. Wireless providers, such as U.S. Cellular, offer "E-911" service which is particularly helpful in locating users who are unable to articulate their exact location. Accordingly, reliable wireless infrastructure provides wireless service that is an essential part of the community's everyday life including emergency and non-emergency communication needs.

Given the public's increasing dependency on wireless technology, wireless networks and the cell sites that make up these networks are now more than ever critical to the safety and well being of the overall population. Wireless technology provides vital communications that is commonly used by local residents, businesses, and emergency personnel for a wide variety of communication needs thereby promoting the general public's health, safety, morals, comfort and overall general welfare.

The Applicant firmly believes the zoning relief approvals needed for the Proposed Facility will be in the best interest of the Applicant and the community, thereby deemed necessary, for the public convenience. The Applicant stands to gain a more improved wireless service it can offer to its customers. The community stands to gain a more reliable wireless network for which all communities depend on for a safety, convenience,

and general well-being standpoints. Imagine, for a moment, if you were unable to make a call on a cell phone in an emergency situation. There are many examples of cell phones saving people's lives.

The Applicant hereby incorporates by reference all of the facts and materials contained in this Statement and its attachments into this application. Without limiting the generality or efficacy of the preceding the Applicant hereby specifically states that the Petition for a Special Use Permit satisfies any and all applicable criteria under the City of Washington Ordinance.

#### **Other Points: From City of Washington's Ordinances General Requirements**

(1) This site due to its proximity would be considered appropriate per the Code due to its location behind the Public Health center and 50' inside the tree line. As well serves the hospital and residential area and any future development of the area.

(2) This site does meet the criteria of minimizing the visual impact of the area due to the 70' pines around the area of the telecommunications site. Please see photo simulations

(3) There would be no drainage to adjacent properties due to the distance to the next adjoining properties.

(4). Per the submittal package enclosed there is an affidavit stating no towers or structure were found in the search ring vicinity.

(b) N/A This structure is a NEW 130' monopole for commercial use.

(C) Please see with in this submittal notarized documentation that outlines the RF emissions as well as the standards US Cellular follows as it relates to state and federal guidelines

#### **Section 40-355 General requirements**

(a). All towers will be constructed and operated in compliance with State building codes.

(b) Please see attached set of signed and sealed construction plans .

(c) U.S. Cellular does have in place per the lease a 1 Million insurance policy.

(d). U.S. Cellular will be filing for a SUP based off the City Ordinances. However we are locating on a Beaufort County owned property.



(1) U. S. Cellular understands and acknowledges that the SUP expires after 5 years of the effective date of approval by the BOA.

(a). U.S. Cellular understands and acknowledges that we must re-apply for an SUP at least 6 months prior to the expiration. U.S. Cellular would request they be notified of such renewal period at least 6 months of expiration.

(b). U.S. Cellular understands and acknowledges that the BOA will take the renewal application and consider what impact that any changes in technology since the original approval may have had on the need for the tower or tower design.

(C). U.S. Cellular understands and acknowledges the tower shall be required to meet the standards of this chapter that are in effect at the time of reapplication.

(2) No response needed

(e). No response needed

(f). U.S. Cellular has provided in this submission a notarized statement from the RF engineer , stating no interference should occur.

(g) This site will not emit any loud noise during normal operation.

(h). U.S. Cellular will work diligently with the City to provide any further information the City Deems necessary in evaluating detailed technical claims USC or applicant may make.

(i)I have proved in this submittal a notarized affidavit stating that USC will allow collocation on their Structure

(1)See above

(a) U.S. Cellular has provided in this submission the tower design.

(b). I have proved in this submittal a notarized affidavit stating that USC will allow collocation on their Structure.

(2) I have submitted an affidavit stating that there was no tower or structures half mile that USC could have used to meet the RF Objective in this area.

### **Section 40-356 Location**

- (a) The NEW Tower is 130' and is not with-in 2,500' from another tower or structure.
- (b) This tower is not located within 500' of the RDH, District or the B1H District.
- (c) This Property is owned by Beaufort County.
- (d) This tower will be of a Monopole construction.
- (e) N/A

### **Section 40-357 Dimensional Requirements**

If U.S. Cellular meets all the criteria spelled out in this section as it relates to setbacks

### **Section 40-358 Landscaping**

Due to the location of this telecommunication site USC will be well out of view of any street view shed however should the City feel it necessary for USC to add additional shrubs or landscaping we will follow whatever guidelines the City lays out.

### **Section 40-359 Visual Aspects**

- (a) This Tower will be grayish in color see photo simulations.
- (b) The Pre fab shelter will out of view due the location of the telecommunication site. The shelter will be tan in color and will blend into the background of the area which will be woods.
- (c) There will not be a cat walk or crow's nest or like structure, but will be erected per the plans submitted. Except during periods of construction.
- (d) N/A
- (e) Please see Photo Simulations enclosed
- (f) U.S. Cellular will not store any equipment with in the fenced in area that is not related to the operation of the Telecommunications site.

**Section 40-360 Signs**

USC will only place signs that are required by Law.

**Section 40-361 Lighting**

U.S. Cellular will maintain the building and tower as well as the entire telecommunication site in a safe, functional and attractive condition.

U.S. Cellular understands and acknowledges that the City of Washington will inspect the tower using an outside source who is familiar with the maintenance, inspection and or erection of telecommunication towers, and such inspection will follow the EIA standard, 222, structural standards for steel antenna towers and antenna support structures. The fee for such an inspection will be bore by the tower owner.

(b) If the site fails this inspection U.S. cellular will have 30 days to bring the tower back into compliance.

**Section 40-364- Abandonment**

Should USC abandon this telecommunication site, then USC under the terms of the lease would remove the tower from this location. And per the City Of Washington Ordinance USC would remove it within 180 days.

**ADDITIONAL INFORMATION BELOW**

1.) The use is reasonably necessary for the public convenience at that location:

TRUE, the public relies on wireless communications not only for "convenience" but they also depend on it for public safety. This location is necessary due to the location of the surrounding sites (towers) that exist.

2.) The use is so designed, located, and proposed to be operated that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare:

TRUE – The granting of the Conditional use Permit shall not cause injury to the district or surrounding areas. The wireless communications facility will be designed to meet all Federal, State and Local codes that regulate such facilities. If granted the Conditional use Permit will better the public welfare by providing improved communications ability to ALL who live in and around the City of

Clinton and its residents. Improved wireless service promotes public safety, economic development and the overall general welfare of the area.

- 3.) The use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it is located:

TRUE – The future character of the immediate area will remain farm land and could have the possibility of commercial use

Sincerely

Michael Doran  
Representing U.S. Cellular



**WASHINGTON BOARD OF ADJUSTMENT MINUTES**  
**Regular Scheduled Meeting**  
**Thursday, October 22, 2015**  
**7:00 PM**

**Members Present**

Derik Davis  
Ronald Lundy  
Steve Fuchs  
Charlie Manning

**Members Absent**

Tim Cashion

**Others Present**

John Rodman, Director  
Glen Moore, Planning Administrator  
Emily Rebert, Historic Planner  
Jessica Green, Administrative Support

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**I. Opening of the meeting.**

The Chairman called the meeting to order.

**II. Invocation**

A moment of silent meditation was taken.

**III. Roll Call**

A silent roll call was taken by staff.

**IV. Old Business**

1. None

**V. New Business**

1. A request has been made by Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 315-317 West 2<sup>nd</sup> Street. The appeal is in accordance with the Historic District Design Guidelines

Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, Appeals.

2. A request has been made by Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 319 West 2<sup>nd</sup> Street. The appeal is in accordance with the Historic District Design Guidelines Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, Appeals.

Mr. Pat Griffin came forward and was sworn in. Mr. Fuchs (Chairman) explained that with Mr. Griffin's permission he would like to combine the two requests and address the vinyl windows in one part and then the siding in another. Mr. Griffin stated that he would be fine with that.

Mr. Rodman came forward and explained the request and the documents included in the packet. Mr. Rodman explained that originally Mr. Griffin appeared before the Historic Commission and requested to replace the rotten wood siding with hardi-board siding to match the existing siding on the structures. Mr. Rodman explained that at that time there was no request for the windows it was just the siding. Mr. Rodman stated that the board members packet included the COA application and also a description of the work that was to be done at that time. That stated that Mr. Griffin wanted to replace the wood siding with hardi plank on the three sides of his structures that did not face Second Street. Mr. Rodman stated the original intent was not to replace the wood siding on the front of the structures facing Second Street. Mr. Rodman explained that the Historic Preservation Commission did approve that request, to replace the siding on the tree elevations but leaving the wood siding on the front on both structures. Steve Fuchs stated that it was his understanding that hardi plank siding according to the historic guidelines is not allowed on remodel, it is only allowed on new construction, so the Historic Preservation Commission actually gave him approval against their own guidelines to try and work with him. Mr. Rodman explained that there are guidelines and the Commission looks at each request on a case by case basis. He stated that traditionally hardi plank is not allowed, but they did allow it on three sides of these particular homes. Steve Fuchs then asked if the Commission has allowed hardi plank siding on three sides of any other homes in the district. Mr. Rodman stated that they have. Mr. Rodman stated that the minutes from the Historic Preservation meeting was included showing the Commission's discussion and decision.

Mr. Rodman then fast forwarded to September of 2015. After placing hardi plank siding on the three elevations on those two structures Mr. Griffin came back to the Historic Commission and wanted to add hardi plank siding to the front elevations of those two structures and at that time vinyl windows on all four sides on both structures. Mr. Fuchs asked if vinyl windows are allowed based on the guidelines. Mr. Rodman stated that the Commission has allowed vinyl windows in the past. Mr. Derik Davis stated that he felt they were allowed in an effort to work with the property owners and vinyl windows are not allowed in the guidelines. Mr. Rodman stated that Mr. Davis was correct. Mr. Rodman explained that the Commission did not combine the two requests and looked at the two separate structures. He explained that the Commission denied his request for hardi plank siding on the front facades and they also denied the use of vinyl siding on the front facades, however they did allow vinyl windows on the three sides of the

structures not facing the street. Mr. Rodman stated that the minutes from that meeting were also included in the Board's packet.

Mr. Rodman stated that Mr. Griffin did submit a proper application on a petition to appeal those decisions for vinyl windows and hardi plank siding on the front of the structures. And of course those appeals come before the Board of Adjustment. Mr. Rodman then gave the Board a couple points of law and explained the process and the job of the Board of Adjustment in an appeal. He explained that the Board does not rehear the case; they act on the evidence presented to them. He stated that the Board needs to look at five questions when considering an appeal: "Was there in error in law?", "Were proper procedures in both statute and ordinance followed?", "Was due process secured?", "Was there competent material/evidence to support the decision?" "Was the decision arbitrary or capricious?" Mr. Rodman stated that the Board has those five questions to consider when looking at the appeal. He then explained the three options the Board has when making their decision. He explained that the Board of Adjustment should not reverse the Commission's decision simply because they do not think it was the right decision or because it is of your opinion that the decision is not correct. He explained that there has to be some point of order or error of law for the Board to overturn the Commission's decision. Mr. Rodman then explained that any vote has to have a 4/5 majority to be approved, so since there are only four members present any vote has to be an animus vote. Derik Davis pointed out that the Memorandum of Law included in their packets covers most of the points Mr. Rodman discussed.

The Chairman opened the floor.

Mr. Don Stroud, resident of 127 East 2<sup>nd</sup> Street and President of the Washington Area Historic Foundation, came forward. Mr. Stroud stated that he has served on the Historic Preservation Commission in the past. Mr. Stroud asked that the Board affirm the Historic Commission's decision that they made regarding Mr. Griffin's request. Mr. Stroud stated that he liked Mr. Griffin very much and he has followed all the rules when filing his applications. Mr. Stroud stated that in reviewing the items and being present at the meeting he did not think the Commission made an error and he certainly did not think that they acted in an arbitrary or capricious manner. Mr. Stroud stated that personally he and the Foundation object to hardi plank on any historic structure and vinyl windows on any part of a historic structure certainly they have been allowed in the past. He stated that the evidence before them is when Mr. Griffin came before the Historic Commission that he presented evidence that the wood on his three elevations were rotten and that is why he requested that they be removed and replaced with hardi plank. The Commission agreed and allowed him to put up the hardi plank. They did not allow nor did he ask to remove the wood from the front of the structures. Mr. Stroud stated that the wood on the front was removed and unfortunately thrown away and Mr. Griffin requested replacing it with hardi plank. Mr. Stroud stated that at that point he was given a full hearing and all neighbors were notified and after considering all of the evidence the Commission denied his request. Mr. Stroud stated that he cannot recall any time vinyl was allowed on the front of an existing historic home. Mr. Stroud stated that the City's certification as a historic district recognized by the government is at stake if the Commission's decision is overturned. Mr. Stroud stated that he didn't feel any of the grounds that would cause the Board to overturn the Commission's ruling were present.



Dee Congleton came forward and was sworn in. Ms. Congleton stated that since they are in the historic district they fall under the guidelines from the Secretary of Interior for standards for rehabilitation. Ms. Congleton then quoted from their guidelines referencing to alternative material and like materials on historic homes.

Pat Griffin came forward. The Chairman explained to Mr. Griffin that he does have the option to postpone his request until they have a full board. Mr. Griffin stated that he would like to proceed. Mr. Griffin stated that he is challenging the decision of the Commission based on the fact that their decision was arbitrary and capricious. Mr. Griffin addressed the windows first. He stated that there has been several times in the past year and half that the Commission has allowed vinyl windows on all four sides of a house. Mr. Rodman recalled a house on East 2<sup>nd</sup> Street where they were allowed to install one vinyl window. Mr. Griffin went through and addressed cases where vinyl windows were allowed by the Commission and read directly from minutes from those meetings. Mr. Rodman addressed some of the cases and explained that the guidelines allow replacement windows in the Central Business District. The Chairman asked if there was any information available showing the number of replacement window request and how many were approved versus denied. Mr. Rodman stated that he didn't have an exact number but can say that the Commission has denied vinyl windows in the past. Mr. Rodman explained that the guidelines are there to guide the Commission but they do act based on each individual case and situation. Mr. Fuchs asked if Mr. Griffin brought this up at the Historic Preservation Commission meeting. Mr. Griffin stated that he did not.

Mr. Stroud came forward to address Mr. Griffin's claims. Mr. Stroud went through and discussed some of situations and the reasoning why the Commission allowed the replacement windows. Mr. Fuchs then asked about the shape of the windows. Mr. Griffin stated that the windows are in pretty bad shape and it is not feasible to replace them. Mr. Fuchs asked about the number of windows. Mr. Griffin stated that it would be four on the front of each house, so eight in total. The Board, Mr. Griffin, and Mr. Rodman discussed the windows further. Derik Davis asked how it would affect the historic district if vinyl windows started popping up in homes. Mr. Davis asked if it would jeopardize the historic district's status as provided to them through the Department of Interior. Mr. Rodman stated that it could jeopardize the district's status and possibly compromise the district. Mr. Rodman stated that with the residential and commercial district there are about 600 structures in the historic district. Mr. Fuchs stated that if Mr. Griffin's statements are correct then they are looking at 2 or 3 homes with vinyl windows out of 600 structures at this point. Derik Davis and Mr. Griffin then talked about the cost to replace the windows with wooden windows.

Mr. Davis stated that if the Historic Commission had not worked with him and allowed vinyl windows on the other three sides of the houses, then he would have potentially had to replace all the windows with wooden windows or not do anything at all. Mr. Davis stated that out of good will the Commission extended the opportunity to Mr. Griffin to use vinyl windows on three sides of the houses and tried to work with him. Mr. Davis stated that it seemed to him that it was made clear from the beginning that the Commission was not going to allow Mr. Griffin to put vinyl windows on the front. Mr. Fuchs and Mr. Davis stated that they didn't feel that allowing 3 homes out of 600 homes necessarily labeled them as being arbitrary and capricious. Mr. Davis then stated that the Board of Adjustment's decision may be far reaching and precedent setting. He stated that the Board is not there to rehear the request or redo the work of the Historic Commission, their duty is to determine in this particular matter if the Commission

made an era in law, were their procedures not followed, did they deny due process, was it supported by competent material and substantial evidence, or was their decision arbitrary and capricious. Mr. Davis stated that he appreciates the fact that Mr. Griffin wants to improve the look of these two properties, but Washington is a City rich in history and there has to be some guidelines and protection for that history. He stated that he didn't feel it was his job to undo that. Mr. Davis stated that he went and looked at the windows. He stated that he is no expert but he didn't see anything with his layman eyes that would prevent them from being rehabbed. He stated that he felt the Commission followed everything through. Mr. Griffin again talked about the cost to replace the windows with wooden windows. Mr. Charlie Manning stated that he too is having a hard time finding means to state that the Commission was being arbitrary and capricious. Mr. Manning stated that the problem he had was if the Board decided to overturn this decision then where is the fairness to all the other home owners in the historic district who have taken the extra expense and the extra time and effort to maintain their homes under the guidelines as they are listed. He stated that maybe they should look into changing some things, but the Board has to work with what they have in front of them. Mr. Griffin spoke about the cost to keep up historic homes and the condition of many homes in the district. He also spoke about the Commission allowing alternative materials for other elements like columns on homes.

Mr. Rodman then explained to the Board that the Commission has allowed homeowners to replace aluminum siding with hardi plank because it is considered an upgraded material. The Board pointed out that this is another reason why the Commission looks at each request on a case by case basis. Mr. Fuchs stated that Mr. Griffin should have brought up these discrepancies to the Commission and allowed them to address them at their meeting. Mr. Rodman explained that the Board of Adjustment can only consider the same material that the Historic Commission had, so in all actuality the Board should not consider the cases Mr. Griffin presented because that evidence was not presented to the Historic Commission. Mr. Fuchs stated that it seems to him that Mr. Griffin needed to go back to the Commission and present these new findings.

Derik Davis made a formal motion to uphold the decision of the Historic Commission as it relates to the windows at 317 and 319 West 2<sup>nd</sup> Street. Ronald Lundy seconded the motion. All voted in favor and the motion carried and the appeal was denied.

The Board then addressed the siding appeal. Mr. Griffin presented the board with a sample of the deteriorated wood siding that was on the front of the houses. Mr. Griffin discussed the cost to paint and upkeep wood siding from year to year. Mr. Griffin again talked about the cost of wood siding. Mr. Davis stated that the hardi plank siding looks very nice on the three sides, but the guidelines do not say what looks nice they preserve what is historically accurate. Mr. Davis then stated it is expensive to own old homes. Mr. Davis stated that hardi plank on front facades is just not historically accurate. Mr. Manning stated that  $\frac{3}{4}$  of the homes are now in a low maintenance position and that is a major step forward. Mr. Manning stated that in keeping with the historic district it seemed to him that it is a very small thing to ask for Mr. Griffin to maintain the wood siding on at least  $\frac{1}{4}$  of the homes.

Derik Davis made a motion to uphold the decision of the Historic Commission as it relates to the siding at 317 and 319 West 2<sup>nd</sup> Street. Ronald Lundy seconded the motion. All voted in favor and the motion carried. The appeal was denied.

Donald Stroud came forward and served the Board of Adjustment the City with a petition to appeal a building permit that was issued for 121 E 2<sup>nd</sup> Street. John Rodman stated that this is the first step in the process and Mr. Stroud will need to complete an application for an appeal. He then read from the Point of Law on how the process works.

**VI. Adjourn**

There being no other business Derik Davis made a motion to adjourn. Ronald Lundy seconded the motion.